



Legal and Technical Commission

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Procedures and criteria for the extension of an approved plan of work for exploration pursuant to section 1, paragraph 9, of the annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982

Note by the Secretariat

I. Introduction

1. During the twenty-second session of the Authority, the Legal and Technical Commission will be required to consider applications for extension of approved plans of work for exploration, submitted in accordance with the decision of the Council of 23 July 2015 relating to procedures and criteria for the extension of an approved plan of work for exploration pursuant to section 1, paragraph 9, of the annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 (ISBA/21/C/19). The purpose of the present note is to inform the Commission of the status of applications for extension and to outline a suggested process for their consideration.

II. Status of applications

2. As at 16 December 2015, applications for extension of approved plans of work for exploration for polymetallic nodules had been received from the following six contractors: Interoceanmetal Joint Organization, Yuzhmorgeologiya, the Government of the Republic of Korea, China Ocean Mineral Resources Research and Development Association, Deep Ocean Resources Development Co. Ltd. and L'Institut français de recherche pour l'exploitation de la mer. Each application requests an extension of five years. All applicants have paid the required fee of \$67,000. Details of the applications and the dates of their receipt are set out in the annex to the present note.

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3. In accordance with paragraph 7 (b) of the procedures and criteria, the Secretary-General notified the sponsoring States concerned of the applications and of the requirement set out in paragraph 3 of the procedures and criteria. Paragraph 3 provides that unless otherwise indicated by the sponsoring State or States at the time of the application, sponsorship is deemed to continue throughout the extension period and the sponsoring State or States shall continue to assume responsibility in accordance with articles 139 and 153 (4) of the Convention and article 4 (4) of annex III to the Convention. No sponsoring State has indicated that sponsorship will not be continued.

4. By a note verbale dated 16 December 2015, the Permanent Mission of Japan confirmed to the Secretary-General the continuation of sponsorship for the duration of the extension of the contract of Deep Ocean Resources Development Co. Ltd. By a note verbale dated 17 December 2015, the Permanent Mission of France informed the Authority that the sponsorship by France of the activities carried out under the plan for the contract would continue throughout the extension period and that France would continue to bear liability in accordance with articles 139 and 153 (4) of the Convention and article 4 (4) of annex III to the Convention.

III. Process for consideration

5. The process for consideration of applications for extensions by the Commission is set out in paragraphs 8 to 13 of the procedures and criteria. The Commission is required to consider applications expeditiously and in the order of their receipt (i.e. in the order listed in the annex).

6. In order to facilitate consideration of the applications by the Commission, the secretariat has prepared a preliminary evaluation of the data and information provided by each applicant. These evaluations will be made available to the Commission. Information and data, as well as the proposed programme of activities for the requested period of extension, have also been evaluated against the applicable recommendations issued by the Commission.¹ The format of the preliminary evaluation is consistent with appendix I of the procedures and criteria. The preliminary evaluation also points out missing or incomplete data and information, if any.

7. It may be noted that it is open to the Commission to request an applicant to submit such additional data and information as may be necessary regarding the implementation of the plan of work and compliance with the standard clauses of the contract.

8. Following its previous practice on consideration of complex legal and technical matters, the Commission may wish to consider dividing itself into working groups that would report back to the full Commission. Those groups could be

¹ Recommendations for the guidance of contractors on the content, format and structure of annual reports (ISBA/21/LTC/15); recommendations for the guidance of contractors for the reporting of actual and direct exploration expenditure (ISBA/21/LTC/11); recommendations for the guidance of contractors and sponsoring States relating to training programmes under plans of work for exploration (ISBA/19/LTC/14); recommendations for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration for marine minerals in the Area (ISBA/19/LTC/8).

assigned to work on different applications or each group could be tasked with a preliminary review of thematic aspects (legal, financial, training, technological, environmental or geological, for example).

IV. Report and recommendations of the Legal and Technical Commission

9. The Commission is required to submit its report and recommendations on each application to the Council at the first possible opportunity, which would be July 2016. Pursuant to paragraph 9 of section 1 of the annex to the 1994 Agreement, and paragraph 12 of the procedures and criteria, the Commission will recommend approval of the application for extension of the contract for exploration if it considers that the contractor has made efforts in good faith to comply with the requirements of the contract for exploration but, for reasons beyond the contractor's control, has been unable to complete the necessary preparatory work for proceeding to the exploitation stage, or if the prevailing economic circumstances do not justify proceeding to the exploitation stage.

Annex

Applications for extension of approved plans of work for exploration for polymetallic nodules as at 16 December 2015

Entity	Sponsoring State or States	Deadline for submitting an application for extension	Date of receipt of application	Duration of extension requested	Date of notification to sponsoring State or States	Date of notification to members of the International Seabed Authority	Date of notification to members of the Legal and Technical Commission	Date of expiry of the contract
1 Interoceanmetal Joint Organization	Bulgaria, Cuba, Czech Republic, Poland, Russian Federation and Slovakia	28 September 2015	28 September 2015	Five years	2 October 2015	2 October 2015	7 October 2015	28 March 2016
2 Yuzhmorgeologiya	Russian Federation	28 September 2015	28 September 2015	Five years	9 October 2015	9 October 2015	13 October 2015	28 March 2016
3 Government of the Republic of Korea		26 October 2015	20 October 2015	Five years	Not applicable	21 October 2015	22 October 2015	26 April 2016
4 China Ocean Mineral Resources Research and Development Association	China	21 November 2015	19 November 2015	Five years	23 November 2015	30 November 2015	1 December 2015	21 May 2016
5 Deep Ocean Resources Development Co. Ltd.	Japan	19 December 2015	3 December 2015	Five years	4 December 2015	4 December 2015	9 December 2015	19 June 2016
6 Institut français de recherche pour l'exploitation de la mer	France	19 December 2015	16 December 2015	Five years	4 January 2016	4 January 2016	6 January 2016	19 June 2016